

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

RICK DEES

Plaintiff

vs.

KENWOOD DEALER GROUP

and

KINGS DODGE

Defendants

CASE NO. C-1-02-457

Judge Bertelsman

STIPULATED FACTS

Now come the parties hereto and, pursuant to the Court's pretrial order, present the following list of undisputed facts:

1. Rick Dees was hired in November 1999 by Kings Dodge, Inc. as a Salesperson.
2. In May and June 2000 Dees, Karl Swartz, and Rob Gilley were considered for a Finance and Insurance Manager (F & I) position.
3. In the year 2000, Dees sold more cars than any other salesperson at Kings Dodge.
4. Swartz was ultimately chosen for the F & I Manager position.
5. Dees had sold 6 more cars than Swartz in 2000 prior to the promotion decision.
6. At the time of the promotion decision, Dees had approximately 6 months of service with Kings Dodge, Swartz had approximately 5

months of service with Kings Dodge, and Gilley had approximately 5 years of service with Kings Dodge.

7. Dees resigned from Kings Dodge on July 16, 2001.

Respectfully submitted,

/s/ David D. Kammer

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CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2005, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following: Curtis L. Cornett, Cors & Bassett, LLC, 537 E. Pete Rose Way, Suite 400, Cincinnati, OH 45202.

/s/ David D. Kammer

David D. Kammer